

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JOEL K. MANN,

Plaintiff,

v.

CHICO & NUNES & NUNES, P.C. et al,

Defendant.

No. 09-CV-05112

**NOTICE OF MOTION FOR ENFORCEMENT OF SETTLEMENT
AND ENTRY OF JUDGMENT**

TO: Howard Emmerman
161 North Clark Street, Suite 2600
Chicago, Illinois 60601

On September 28, 2010, at 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Harry D. Leinenweber or any judge sitting in his stead in courtroom 1941 in the United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, IL 60604, and will present **Defendant's Motion for Enforcement of Settlement and Entry of Judgment**, a copy of which is hereby served upon you.

Respectfully submitted,
CHICO & NUNES, P.C.

By: 

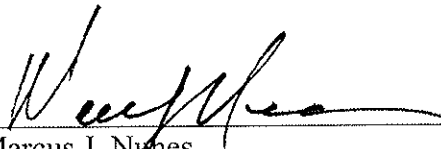
Marcus J. Nunes
One of Their Attorneys

Marcus J. Nunes
Chico & Nunes, P.C.
333 West Wacker Drive, Suite 1800
Chicago, Illinois 60606
Telephone: (312) 463-1000
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Firm ID # 40897

CERTIFICATE OF SERVICE

I, Marcus J. Nunes, an attorney, hereby certify that a copy of the foregoing **Motion for Enforcement of Settlement and Entry of Judgment** was served upon the named parties at the addresses below by depositing the same in the U.S. Mail with proper first class postage prepaid before 4:00 p.m. on September 21, 2010.

Howard Emmerman
161 North Clark Street, Suite 2600
Chicago, Illinois 60601
Telephone: (312) 621-9700
Facsimile: (312) 621-0909
Email: hemmerman@beermannlaw.com

By: 

Marcus J. Nunes
One of Their Attorneys

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JOEL K. MANN, et al.

Plaintiff,

v.

CHICO & NUNES & NUNES, P.C. et at,

Defendant.

No. 09-CV-05112

**MOTION FOR ENFORCEMENT OF SETTLEMENT AGREEMENT AND
ENTRY OF JUDGMENT**

Defendant CHICO & NUNES P.C. ("Chico & Nunes"), for itself and no other, hereby submits its Motion for Enforcement of Settlement Agreement and Entry of Judgment against Plaintiff JOEL K. MANN, d/b/a JKM MUNDELEIN, LLC and WBK FINANCIAL LIMITED PARTNERSHIP (collectively "Mann"). In support of its Motion, Chico & Nunes states as follows:

1. On May 20, 2010, counsel for Mann and Chico & Nunes attended a settlement conference in the chambers of the Honorable Judge Harry D. Leinenweber.

2. With the express desire to reach a settlement of the pending litigation and avoid the substantial cost, expenses and uncertainty associated with future litigation, and without an admission of fault, Chico & Nunes and Mann reached an agreement (the "Settlement Agreement"). Attached as Exhibit 1 is a true and accurate copy of the Settlement Agreement and is incorporated herein.

3. Mann failed to make the scheduled September 1, 2010 payment, as set forth in the Settlement Agreement.

4. On September 2, 2010, Chico & Nunes provided Mann's counsel, Howard Emmerman, with a Notice to Cure, via email and fax, as set forth in the Settlement Agreement.

Attached as Exhibit 2 is a true and accurate copy of the Notice to Cure and is incorporated herein.

5. More than ten days have elapsed from the date of the notice and Mann has failed to cure its default under the Settlement Agreement.

6. Under the terms of the Settlement Agreement, Mann's failure to cure (10 days from the date of the notice) triggers Mann's admission and confession of judgment in favor of Chico & Nunes in the total amount due, \$130,666.42 (less any payments already made).

7. On or about June 2, 2010, Mann made its initial payment of \$15,000 under the Settlement Agreement leaving a balance of \$115,666.42.

8. Chico & Nunes has performed all conditions required of it under the Settlement Agreement.

9. Pursuant to the Settlement Agreement, Chico & Nunes has the right to immediately obtain from this Honorable Court an Order of Judgment against Mann and in its favor in the amount of \$115,666.42, which judgment shall accrue post judgment interest at the applicable rate from the date of its entry.

WHEREFORE, Defendant Chico & Nunes, P.C., requests as follows:

A. Enter judgment in favor of Defendant Chico & Nunes and against Plaintiffs Mann, jointly and severally, in the amount of \$115,666.42;

B. Enter judgment in favor of Defendant Chico & Nunes and against Plaintiffs Joel K. Mann, d/b/a JKM Mundelein, LLC and WBK Financial Limited Partnership, jointly and severally, for post judgment interest at the applicable rate which shall begin to accrue upon entry of this judgment; and

C. Grant Defendant Chico & Nunes any other or additional relief that may be proper.

Respectfully submitted,

CHICO & NUNES & NUNES, P.C.

Date: September 21, 2010

By: /s/ Marcus J. Nunes

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Attorney for Defendant